IN THE HIGH COURT OF UTTARANCHAL AT NANITAL

Writ Petition No. 1116 (S/S) of 2001
Old No. 23914/94

Mahendra,
Son of Sri Naubat Ram,
At present working as Moharrir/
Tax Collector, Town Area Committee,
Lal Kuan,
District - Nainital **…….Petitioner**

V e r s u s

1. State of U.P.
2. District Magistrate, Nainital.
3. Town Area Committee, Lal Kuwan, Nainital, through its Chairman.

……..Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Prabha Nauliyal, holding brief of Sri P.M. N. Singh, learned counsel for the petitioner and Sri Paresh Tripathi, learned counsel for State of Uttaranchal on behalf of respondent nos. 1 and 2.

On 29.07.1994, Allahabad High Court directed the petitioner to serve the notice upon respondent no. 2 and file the affidavit of service by that date.

Neither till date affidavit of service has been filed by the petitioner nor have steps been taken to serve the notice upon the respondent no. 3.

By means of this writ petition, the petitioner has prayed for the following reliefs:

(i) issue a writ, order or direction in the nature of Mandamus commanding the respondents to pay

the salary of Head Moharrir to the petitioner and not to pay salary of peon/Chaprasi.

(ii) *issue a writ, order or direction in the nature of Mandamus commanding the respondents to regularize the services of the petitioner on the post of Tax Collector / Moharrir in town Area Committee, Lalkuan, Nainital.*

(iii) *issue a writ, order or direction in the nature of Certiorari quashing the order of reversion (not issued to the petitioner) who so ever the custody thereof.*

(iv) *issue any other writ, order or direction, which this Hon'ble Court may deem fit and proper in the circumstances of the case.*

(v) *Award the cost of the petition in favour of the petitioner.*

Neither any appointment letter has been annexed to show that petitioner was ever appointed on the post of Moharrir nor any reversion order, which shows that petitioner has been reverted from the post Moharrir to the post of Peon, has been filed by the petitioner in support of his case.

Learned counsel for the petitioner has submitted that earlier the petitioner has filed writ petition before Allahabad High Court in the year 1993 and the court on 04.05.1993 directed the respondent no. 2 or the Authority Competent to take decision on the representation made by the petitioner with a period of three months.

Learned counsel for the petitioner has submitted that respondents have yet not decided the representation of the petitioner, which is annexed as Annexure no. 14 to the writ petition.

The said representation was addressed to the District Magistrate, Nainital. Petitioner has nowhere stated that who is competent to decide the representation of the petitioner whether the District Magistrate, Nainital or Chairman, Town Area Committee, Lalkuan, Nainital?

In the circumstances stated above, I think it just and proper to direct the petitioner to make fresh representation before the Chairman, Town Area Committee, Lalkuan, Nainital within a period of two weeks from today and it is expected from the Chairman, Town Area Committee, Lalkuan, Nainital to decide the representation of the petitioner, if any moved by the petitioner, within a period of four weeks from the date of production of certified copy of this order along with representation.

With the direction the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

July 25, 2006
SKSharma